

## **Remarks**

Applicant gratefully acknowledges the Interview granted on January 10, 2006.

Claims 15-22 and 36-47 were pending in the application, and were rejected. By this paper, claims 38 and 47 have been amended, and reconsideration of the claims is respectfully requested. Furthermore, new claims 48-51 have been added.

### **Double Patenting Rejection**

Claims 15-22 and 36-47 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-34 of U.S. Patent No. 6,748,636 ("the '636 patent"). As discussed with the Examiner during the Interview, a Restriction Requirement issued in connection with the '636 patent (please see the Office Action mailed September 30, 2003 for the '636 patent). As a result, the present application was filed as a divisional application before issuance of the '636 patent. As noted in § 804.01 of the Manual of Patent Examining Procedure, "[t]he third sentence of 35 U.S.C. § 121 prohibits the use of a patent issuing on an application with respect to which a requirement for restriction has been made, or on an application filed as a result of such a requirement, as a reference against any divisional application, if the divisional application is filed before the issuance of the patent." Thus, as agreed during the Interview, the double patenting rejection is improper and should be withdrawn.

### **Rejection Under 35 U.S.C. § 102**

Claims 38, 39, 43 and 45-47 were rejected under § 102(b) as being anticipated by U.S. Patent No. 5,775,674 to Bigham ("the '674 patent"). By this paper, claim 38 has been amended to recite "wherein the second element is swingable with respect to the support member between a first position in which the second element is disengaged from the stop and a second position in which the second element is engaged with the stop." As agreed with the

Examiner during the Interview, this combination of features is not disclosed in the '674 patent. Thus, claim 38 and the associated dependent claims are believed to be allowable.

In addition, it should be noted that many dependent claims recite additional features that are not disclosed in the '674 patent. For example, claim 40 recites that "the second element has an I-shaped cross-section." As another example, claim 41 recites that "the second element includes a cylindrical body, and the first element extends through the cylindrical body." As yet another example, claim 42 recites that "the first element and the second element each have a generally rectangular cross-section, and the first element extends through the second element." As explained in the application, each of the above configurations may allow the second element to move vertically, as well as horizontally, with respect to the first element. (See page 4, line 29, through page 5, line 1, and page 8, line 23, through page 9, line 2.)

As still yet another example, claim 45 recites that "the second element applies a generally horizontal force to the first element upon engaging the stop." By contrast, as discussed during the Interview, the '674 patent discloses an apparatus that applies a generally vertical force.

With respect to claim 47, that claim has been amended as suggested by the Examiner to recite that "the second element remains oriented generally horizontally as the second element swings with respect to the support member." As agreed during the Interview, this feature is not disclosed in the '674 patent.

#### New Claims

New claims 48-51 have been added for consideration by the Examiner.

Reply to Office Action of September 29, 2005

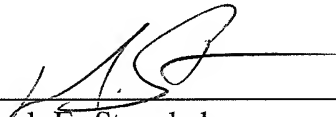
**Conclusion**

Applicant has made a genuine effort to respond to each of the Examiner's objections and rejections in advancing the prosecution of this case. Applicant believes that all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested. If any additional issues need to be resolved, the Examiner is invited to contact the undersigned at his earliest convenience.

The fee relating to the additional claims in the amount of \$100 is submitted herewith by Electronic Fee Transmittal.

Respectfully submitted,

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